

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

2008 OCT 16 PM 4:00

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA)

v.)

MELISSA JANET LOPEZ)

NO. EP-08-CR-2195-KC

BY

DEPUTY

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON DEFENDANT'S PLEA OF GUILTY

On October 14, 2008, the Defendant and counsel appeared before the Court. After being admonished as required by Rule 11, Fed. R. Crim. P., the Defendant pled guilty to Count 1 of the Indictment charging her with importation of 50 kilograms or more of marijuana, in violation of 21 U.S.C. §§ 952(a), 960(a)(1) and 960(b)(3).

Accordingly, the Court makes the following findings.

1. The Defendant has consented to the entry of a guilty plea before a Magistrate Judge, subject to final approval and sentencing by the presiding United States District Judge.
2. The Defendant fully understands that she was under oath and the consequences of failing to tell the truth at the plea hearing.
3. The Defendant fully understands the nature of the charge and the penalties, including the effect of a supervised release term.
4. The Defendant fully understands that the Sentencing Guidelines may apply in this

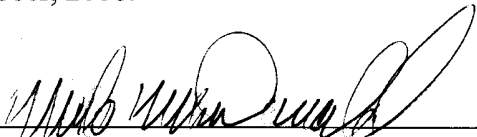
case and that the District Court may depart from those Guidelines.

5. The Defendant fully understands that she has the right to plead "Not Guilty," and to be tried by a jury.
6. The Defendant fully understands that if she were to elect to go to trial that she would have the right to confront or cross-examine adverse witnesses, and to remain silent at trial.
7. The Defendant fully understands that she has the right during the trial to present defenses, present evidence and compel the presence of witnesses and the right to testify in her own defense.
8. The Defendant fully understands that if the guilty plea is accepted, there will not be a trial in the case.
9. The Defendant fully understands that she waives her right to appeal or collaterally attack her sentence in her plea agreement.
10. The Defendant's plea was made freely, knowingly, and voluntarily.
11. The Defendant is competent to enter a plea.
12. There is a factual basis to support the plea of guilty.

RECOMMENDATION

Based on the foregoing, it is recommended to the District Judge that the Defendant's plea of guilty be accepted and that a judgment of guilt be entered.

SIGNED and ENTERED this 15th day of October, 2008.



MICHAEL S. MCDONALD
UNITED STATES MAGISTRATE JUDGE

NOTICE

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN 10 (TEN) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT, SHALL BAR YOU, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.